

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

SEPTEMBER 15, 2003

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, September 15, 2003, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Lisa Davis Cook, Secretary – left at 2:30
Lori Glanzman
Kathryn Murphy, Chair
Darrell Hanson, Vice Chair
Francis Thicke – arrived at 10:20
Terrance Townsend
Jerry Peckumn
Heidi Vittetoe
Donna Buell

MEMBERS ABSENT

ADOPTION OF AGENDA

Motion was made by Lori Glanzman to approve the agenda as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the August 18, 2003 minutes as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Liz Christiansen, Deputy Director mentioned that the joint Environmental Protection Commission and Natural Resources Commission training session will be held during the first week of December from 8:00 – 4:00 at the Neal Smith Wildlife Refuge in Prairie City. Agenda topics will include development of the budget, table of organization and process improvement.

Mike Murphy of the legal staff clarified the rules of the law regarding conflict of interest. The department has researched this case and has found nothing unlawful regarding the makeup of the Environmental Protection Commission.

INFORMATIONAL ONLY

FISCAL YEAR 2005 BUDGET REQUEST

Mark Slatterly, Bureau Chief of Budget and Finance presented the following item.

Attached for the Commission's approval is a summary listing the Department's appropriation requests for Fiscal Year (FY) 2005. The listing includes actual FY 04 appropriation levels along with the FY 05 proposed appropriation request.

Also included is a listing of operation's enhancement packages, which constitute increases over the FY 04 status quo level.

**DEPARTMENT OF NATURAL RESOURCES
FY 05 APPROPRIATION REQUEST SUMMARY**

APPROPRIATION NAME	FY 04 APPROP	FY 05 REQUEST	\$CHANGE FY 05 REQ OVER FY 04 APPROP
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations	\$16,271,643	\$16,669,282	\$397,639
Total General Fund Appropriation	\$16,271,643	\$16,669,282	\$397,639
<u>TOBACCO SETTLEMENT FUNDS</u>			
Destination Park	\$3,000,000	\$3,000,000	\$0
* Lewis and Clark Rural Water	\$1,500,000	\$2,450,000	\$950,000
Restore the Outdoors	\$2,500,000	\$2,500,000	\$0
	\$7,000,000	\$7,950,000	\$950,000
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement & Protection	\$11,000,000	\$15,000,000	\$4,000,000
Marine Fuel Tax Capitals	\$2,300,000	\$2,300,000	\$0
Lake Restoration Program	\$1,000,000	\$5,000,000	\$4,000,000
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Prg	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Air Quality Monitoring	\$500,000	\$500,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
	\$20,550,000	\$28,550,000	\$8,000,000
<u>NON-GENERAL FUND APPROPRIATIONS</u>			

Fish and Wildlife Operations	\$30,715,335	\$30,715,335	\$0
Fish and Wildlife Capitals	\$5,500,000	\$5,500,000	\$0
Groundwater	\$13,013,000	\$13,013,000	\$0
Oil Overcharge	\$125,000	\$0	(\$125,000)
UST Administration Match	\$200,000	\$800,000	\$600,000
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Boat Registration Transfer to F&W	\$1,400,000	\$1,400,000	\$0
Total Non General Fund Appropriations	\$51,053,335	\$51,528,335	\$475,000

TOTAL	\$94,874,978	\$104,697,617	\$9,822,639
TOTAL DEPARTMENTAL FTE	1080.12	1080.12	0.00

* FY 05 already appropriated

**Iowa Department of Natural Resources
FY 05 Operations Enhancement Packages**

Description	Total	General Fund	Fish & Wildlife	Federal	Other
Restore FY 04 salary adjustment funding provided in FY 04 from non-general fund sources.	\$0	\$397,639	\$0	\$0	(\$397,639)
Provide funding for the administration of the Underground Storage Tank program.	\$0	\$0	\$0	\$(600,000)	\$600,000
Total FY 05 Change Over FY 04	\$0	\$397,639	\$0	\$(600,000)	\$202,361

Lisa Davis Cook asked why there is only \$2,955,000 set aside for water quality monitoring when back a few meetings ago Marion Maas came and spoke about the program. She said that to properly run this program it would take about \$6,000,000. Why are we not asking for an increase?

Mark Slatterly said that the next step in this budget process is to go to the Department of Management, Governor's Office then to the Legislature for their approval. They will consider each of these budget appropriations line by line.

Motion was made by Jerry Peckumn to approve the fiscal year 2005 budget request. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

Wayne Gieselman notified the Commission that Jack Reissen, former bureau chief for the water quality section has been reassigned to help assist on the Governor's Water Quality Summit issues. Chuck Corell is the acting bureau chief. Advertising for this position will be posted in the near future.

SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Tom Anderson of the Energy and Waste Management Bureau presented the following item.

The Department received fifteen (15) proposals, requesting nearly \$2.6 million in financial assistance, for consideration during the July 2003 round of funding. Ten (10) applicant projects were selected for funding or additional consideration. If approved, they will receive \$1,418,120 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew, Jeff Geerts), Iowa Society of Solid Waste Operations (Tom Clark), Iowa Recycling Association (Kathryn Russell), and the Iowa Waste Exchange (Sarah Smith).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	3	\$600,970	\$180,970
Private For Profit	6	\$785,050	\$187,050
Private Not For Profit	1	\$32,100	\$32,100
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	7	\$1,233,625	\$215,625
Market Development	2	\$98,525	\$98,525
Education	1	\$85,970	\$85,970
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	7	\$255,120	\$255,120
Forgivable and 0% loan only	2	\$170,000	\$20,000
Forgivable, 0%, and 3% interest loan	1	\$993,000	\$125,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

Motion was made by Lisa Davis Cook to approve the recommendations for the Solid Waste Alternatives Program. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

INFORMATION – UPDATE ON THE IOWA COLOR INFRARED DIGITAL ORTHOPHOTOGRAPHY PROJECT

Tim Hall, Bureau Chief of the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Iowa Color Infrared Digital Orthophotography Project (ICIDOP) provides the needed digital ortho-rectified aerial photography to serve as the base map for more detailed mapping and landscape evaluation efforts. Color Infrared (CIR) photography was acquired between March 20, 2002 and May 20, 2002. The photography is 1:40,000 scale and meets all standards and specifications of the National Aerial Photography Program (NAPP). Through a work-share agreement with the U.S. Geological Survey (USGS), the USGS NAPP laboratory in Reston, Virginia inspects the film to ensure that it meets NAPP standards, and direct re-flights as necessary. USGS will also archive the original film.

The Digital Orthophoto Quarter Quadrangles (DOQQs) produced from the photography are 1-meter resolution and meet all standards set by the NDOP program. The USGS Mid-Continent Mapping Center located in Rolla, Missouri inspects the DOQQ products. All the photography was completed in July of 2002 and all the imagery has been received by the DNR.

The imagery is available for the public to view and download on the Iowa Geographic Image Map Server at <http://ortho.gis.iastate.edu>.

Iowa Color Infra-Red Digital Orthophotography Funding Partners

Agency/Organization

Federal (8)

EPA (section 319) funding

USDA - Natural Resources Conservation Service

US Fish and Wildlife Service

USDA - Aerial Photography Field Office

USGS - National Mapping Division

US Army COE - Kansas City District

US Army COE - Omaha District

US Army COE - Rock Island District

State (6)

Iowa DNR - Water Quality Monitoring
Iowa Department of Transportation
Iowa Emergency Management Division
Iowa DNR - Water Initiative GIS
Iowa State University - GIS Facility
Iowa Division of Soil Conservation

Local (17)

Rock Island County, Illinois
Jackson County, Minnesota
Scott County
Palo Alto County
Mahaska County
Harrison County
Shelby County
Polk County
Johnson County
Dallas County
East Central Iowa Council of Governments
Des Moines Metropolitan Planning Organization
Linn County Regional Planning Commission
Bi-State Regional Commission
Black Hawk County
Pottawattamie County

Private (10)

Alliant Energy
Rathbun Regional Water (NPO)
Ducks Unlimited
Golden Hills RC&D (NPO)
Iowa Natural Heritage Foundation (NPO)
Pretage-Stoecker Farms
Hertz Farm Management
Iowa Area Development Group
Northeast Iowa RC&D (NPO)
The Nature Conservancy of Iowa (NPO)

Public Utilities (3)

Des Moines Water Works
Cedar Rapids Water Department
City of Decorah Water Department

(a CD with aerial photos of every county in which each commissioner resides was handed out to each Commissioner)

Tim Hall said that 1,500 CD's have been given out to local, federal, and state governments that have helped support this effort financially. We want everyone to have access and to be informed about this imagery. For additional information, you can contact Todd Bishop.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

REPRESENTATIVE GREIMANN, commented on the recommendations regarding air quality standards for hydrogen sulfide and ammonia. Since the Iowa Legislature voted to nullify the air quality standards adopted by the Environmental Protection Commission last session, it is essential that the EPC and the Department of the Natural Resources act quickly to provide relief to Iowans whose health is adversely impacted by hydrogen sulfide and ammonia emissions from large-scale animal feeding operations, as established in SF 2293.

As Democratic members of the House Environmental Protection Committee, we opposed the rules nullification last session, which the Republican leadership in the House believed were too broad. To provide immediate relief to Iowans affected by air contamination, we encourage prompt action by the DNR and EPC to re-draft the rules and focus the air quality standards on large-scale animal feeding confinements. However, we feel that air quality standards must eventually address concerns related to emissions from industry as well.

We also support the DNR proposal to convene several technical advisory groups consisting of stakeholders and technical experts in order to develop consensus on a set of reasonably available control technologies, acceptable dispersion models and emissions estimation techniques for animal feeding operations.

We encourage DNR to work quickly to build consensus with concerned groups and citizens on both sides of the issue. The health of thousands of Iowans depends upon quick action. Protecting Iowa's air quality further improves Iowa's quality of life, enhancing the appeal of our state as a destination for new residents and businesses alike.

DORLA HILL, from Wright County said that she is very concerned about the air quality of ourselves, our neighbors and our state. We need action now on air quality rules!

CYNDI RINGGENBERG, from Kelley, Iowa commended the Commission members for passing the air quality standards last April. We need protection for children and our families. I urge you to pass the air quality standards again today!

RICHLAND MERRILL, from Fort Dodge urged the Commission to take more time to study the air quality issues before another ruling is made.

DOROTHY FRANEK, from Red Oak said that she is against the thought of an animal feeding operation that may possibly be coming to Red Oak. We need air quality standards based on the study from the Universities. We need to keep rural Iowans safe and pure.

DICK GALLAGHER, president of the Washington County Farm Bureau said that there needs to be a diverse makeup of board members in order to come to a good and fair decision. Heidi Vittetoe should be allowed to serve as a Commissioner on the Environmental Protection Commission.

ANDREW HORA, hog farmer from Riverside, Iowa urged the Commission to use good scientific data to make regulations. I also agree with Dick Gallagher in supporting Heidi Vittetoe and her part in the EPC.

DENNIS VITTETOE, pork producer in Washington County urged the Commission to take their time in making the correct choice and to use sound science.

CHRIS GRUENHAGEN, representing the Air Quality Coalition asked for the Commission's support for the two key items of our air quality petition. 1) Conduct and complete the field study first before adopting air quality standards. Under Iowa Code 459.207, after the completion of the field study then the Department can look at adopting plans and programs regulating animal feeding operations. 2) The reason for completing the field study first is basic common sense. It has been several months since we first submitted our petition. The reason to wait before actually doing a standard is too make sure that we are regulating the right thing at the right level.

(a petition signed by hundreds of folks in support of the Agri-businesses petition was passed around for Commissioner's to review)

(a chart of side-by-side comparison of Air Quality Proposals was also given to the Commissioner's)

MIKE TRIPLETT, Iowa Association of Business and Industry said they are voluntarily withdrawing their petition. (Item 13 – Petition for rule making – Agribusiness Association of Iowa, et.al.)

(a copy of a letter addressed to Mike Murphy regarding the withdrawal of Petition for rulemaking was given to Commissioner's)

DOUG GRONAU, farmer from Vail, Iowa asked the Commission and the DNR for a thorough testing of emissions from all businesses and the effects of the public health. It would be a tragic mistake if air quality standards were made on poor science.

TERRENCE SJULIN, from Hamburg, IA said that he knows many hog farmers that work in their confinement buildings and they are all in very good physical and mental conditions. I am concerned that the effects of the proposed rules of ICCI would be detrimental to Iowa's overall agricultural and industrial economy. I ask that you take the time and do a thorough study that reflects real work conditions and that the rules you adopt are the minimum necessary to adequately protect Iowa's air quality from real hazardous.

JOANNE TUPPER, a factory hog farmer from Ionia said she finds it hard to believe that hog confinements can be detrimental to health. We have had hog confinement buildings since 1973. I hope the Commission will look at the big picture and how the regulations will affect producers.

WILFRED VITTETOE, farmer from Washington County said that sound science and common sense must prevail.

BARBARA KALBACH, ICCI member from Dexter, Iowa said that ammonia and hydrogen sulfide are toxic substances. This has been verified by the World Health Organization, the Agency for Toxic Substances and Disease Registry, the National Institute of Occupational Safety and Health, the American Conference of Governmental and Industrial Hygienist, the Occupational Safety and Health Administration, twenty-seven scientists involved with the study and twenty-three states have recognized the danger of these toxicants. We need standards to protect the very young and old, those with respiratory problems, asthma, cancer, etc. I ask the Commission to do as your name applies, to initiate the development of ambient air quality rules to help protect the health of rural citizens.

LARRY GINTER, retired hog farmer and ICCI member from Rose, Iowa talked about his concerns with the Department regarding strong air quality standards. The DNR is not proposing an ambient standards or odor standard which are needed to protect the health of Iowa citizens. The DNR is looking for a number to use a bar for monitoring. We are concerned that the DNR is not using the number proposed in the joint study. The DNR needs to move forward with rules based on the study and not on what industry wants. Common sense needs to prevail.

DALE JANECEK, ICCI member from Washington, Iowa said he was driven out of his home by a factory farm. The DNR needs to look at both the health and property effects and not just the financial interest of factory farm owners. I believe that Heidi Vittetoe has a conflict of interest when voting on air quality standards and she should abstain from voting.

GARY LARSEN, farmer from Audubon county and ICCI member from Exira, Iowa urged the Commission to move forward in establishing meaningful air quality rules for factory farms based on the study from the universities to protect the health and quality of life for Iowans.

NOTICE OF INTENDED ACTION--AMEND IAC CHAPTER 567-111 "FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS"

Alex Moon, Energy & Waste Management Bureau presented the following item.

Attached for the Commission's decision is a Notice of Intended Action to amend administrative rule chapter 567-111 "Financial Assurance Requirements for Municipal Solid Waste Landfills".

The request for action on this rule chapter is to incorporate minor revisions. In administrative rule chapter 567-111 there are references to sub rules found within other chapters of the administrative rules that are no longer accurate and therefore should be updated. Other revisions

include adding wording that was unintentionally omitted and clarifying sub rules which municipal solid waste landfill owners have had difficulty interpreting. These amendments will provide greater clarity and consistency with legislative intent for municipal solid waste financial assurance requirements.

The commission is requested to approve this Notice of Intended Action.

If approved by the Commission today, the public hearing is scheduled for November 5th at the Wallace State Office Building.

Motion was made by Jerry Peckumn to approve the NOIA to amend Chapter 567-111. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

Wayne Farrand, Wastewater Section Supervisor presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the department's administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the past year EPA has adopted new standards for metal products and machinery manufacturers and concentrated animal feeding operations and has revised or updated standards for iron and steel manufacturers, pulp, paper and paperboard manufacturers and pharmaceutical manufacturers. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2003. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater dischargers to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission

from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

Motion was made by Lisa Davis Cook to approve the final rule on Chapters 60, 62, and 63. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 90, SCOPE OF TITLE – DEFINITIONS – FORMS; CHAPTER 91 - CRITERIA FOR RATING AND RANKING PROJECTS FOR THE WATER POLLUTION CONTROL STATE REVOLVING FUND; CHAPTER 92 - STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT AND WATER POLLUTION CONTROL; CHAPTER 93 - ONSITE WASTEWATER TREATMENT SYSTEM ASSISTANCE PROGRAM

Wayne Farrand, Wastewater Supervisor in the Water Quality Bureau presented the following item.

The Commission will be asked to approve a final rule adopting changes to Chapters 90, 91, 92 and 93 . These amendment will remove references to the defunct construction grants program; add provisions for the administration of financial assistance for nonpoint source water pollution control projects; consolidate and update the administrative requirements for financial assistance for municipal point source water pollution control projects; provide the criteria for rating both point source and nonpoint source water pollution control projects; and allow the use of four set asides to target state revolving fund money to nonpoint source water pollution control projects: livestock water quality facilities, local water protection projects, onsite wastewater treatment systems and general nonpoint source control projects.

The DNR and the Iowa Finance Authority participated in a Smart SRF conference in October, 2002. This conference provided important direction for the development of the proposed rules. During the development of the rules, other agencies and associations were consulted concerning the proposed rules. In addition, they were invited to a meeting to discuss the proposed rules in April, 2003. The Commission was informed of the proposed rules at their May, 2003 meeting and the Notice of Intended Action was approved at the June, 2003 Commission meeting. The Notice of Intended Action was published in the July 9, 2003 Iowa Administrative Bulletin Volume XXVI, Number 1 as ARC 2595B.

Three public hearings were held; Storm Lake, Cedar Rapids and Des Moines. The comments received at the public hearings and the DNR response to the comments are provided in the Responsiveness Summary document that follows. The comments resulted in changes being suggested by DNR staff in the final rules. The suggested changes will move the point source application date to April 1 instead of July 1; expand the definition of brownfields to make it consistent with the federal definition; include environmental insurance as an example of an eligible project under the General Nonpoint Source project set aside; make it clear that periodic disbursement of loan funds is allowed for livestock water quality projects; allow for the purchase of land for projects targeted at improving impaired waters and allow for point source applicants to sponsor nonpoint source projects.

A Fiscal Impact Statement is also attached. The fiscal impact from this rulemaking is from the additional staff and contracts needed to successfully implement the administrative requirements for providing financial assistance for nonpoint source water pollution control projects.

Lisa Davis Cook said that she was on a panel discussion regarding the SRF funds and its potential uses. Did the Department work with some of the suggestions that came from that conference and are they implemented in this rule?

Wayne Farrand said that the main recommendation they took was the establishment of set asides. Rather than making non-point sources compete with the municipal point sources, it was recommended that it would be more manageable to designate set asides, that way it could be controlled. In rule section 92.11 1d, it states project eligibility.

Jerry Peckumn asked how we determine the difference between a CAFO and an AFO.

Wayne Farrand said that a CAFO is defined by a federal regulation. Only public point sources are eligible. Federal regulations define CAFO's as an operational facility that holds over 1,000 animal units and needs an NPEDS permit. By EPA, they call CAFO's a point source and therefore it is not eligible.

Lisa Davis Cook asked if special consideration is given to projects that would help waters on the 303d Impaired waters list.

Wayne Farrand said yes, Chapter 91 gives those special priority ratings. Wayne continued to explain to the Commission the ones that are eligible for funding.

Motion was made by Darrell Hanson to approve the final rule for Chapters 90-93. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CLEAN WATER STATE REVOLVING LOAN FUND - 2004 INTENDED USE PLAN

Wayne Farrand, Wastewater Supervisor of the Water Quality Bureau presented the following item.

The Commission will be presented with the draft Clean Water State Revolving Fund Intended Use Plan (IUP) for 2004. An IUP must be prepared annually with opportunity for public input and submitted to the EPA prior to receiving a capitalization grant. The FY 2004 Intended Use Plan (IUP) includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 2004 as well as uncommitted previous years' funds.

This IUP has been drafted in coordination with the rules currently undergoing amendment so that it can be in place when the rules become effective. The rule amendments mainly accommodate the new uses of the SRF for non-point projects. Hearings were recently held on the rules and they are being presented to the Commission with a recommendation for approval. This proposed IUP includes designated set-asides for non-point projects.

For 2004, loans of \$11.9 million for 15 new municipal projects are being proposed. In addition, \$3 million is being reserved for livestock water quality projects and \$3 million for local water protection projects as provided for in the new SRF rules expanding the eligibility to nonpoint source projects.

A public meeting is scheduled for October to take comments on the draft IUP and the Commission will be asked to approve the final IUP prior to submittal to EPA.

Wayne Farrand explained the loan application process.

(a Water Pollution Control State Revolving Fund Draft--Intended Use Plan--for the State of Iowa--Fiscal year 2004 was given out to the Commissioners)

Motion was made by Darrell Hanson to approve the 2004 IUP for Clean Water State Revolving Loan Fund. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – BI-STATE REGIONAL COMMISSION

Jim McGraw, Air Quality Bureau presented the following item.

The Environmental Protection Commission approved a contract for \$40,000 with the Bi-State Regional Commission in March 2003. The Bi-State Regional Commission will not spend the total \$40,000 by the contract expiration date of September 30, 2003. The purpose of this new

contract is to extend the contract duration to September 30, 2004 with no additional funding. This will allow the Bi-State Regional Commission to continue working at the on-going contract activities over the next year.

The Commission will be asked to approve the attached contract with the Bi-State Regional Commission for the purpose of promoting activities to ensure the continued attainment of the national ambient air quality standard for ozone in the Quad Cities area. The Bi-State Regional Commission is a Metropolitan Planning Organization and Council of Governments serving five counties and 44 communities in eastern Iowa and western Illinois. The Bi-State Regional Commission serves as staff to the Quad Cities Urbanized Area Transportation Policy Committee's Air Quality Task Force. The Air Quality Task Force is a group that represents municipalities, counties, chambers of commerce, energy utilities, state and federal resource agencies, etc. The Air Quality Task Force has been working to raise public awareness of issues related to ozone and encourage voluntary reduction measures since 1998.

Activities under the contract will include identifying existing voluntary reduction measures and facilitating new voluntary reduction activities, both in the public and private sectors, designed to reduce the emissions of ozone precursor gases. The contract provides funding for the production and distribution of ozone reduction information and education materials to educate local governments and major industries on voluntary ozone reduction planning processes. The outreach will also include educating the general public on the purpose and scope of voluntary emissions reductions.

Funding for this contract will come from a pass through federal Clean Air Act section 105 grant from the US. EPA Region VII office that has been added onto Iowa's annual federal 105 grant fund. The contract period will extend from October 1, 2003 through September 30, 2004. The EPA grant shall not exceed \$40,000.

Jim McGraw passed out a revised version of the contract.

Motion was made by Lori Glanzman to approve the Contract with Bi-State Regional Commission. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

BIN VENT EMISSIONS TESTING CONTRACT

Jim McGraw , Supervisor of the Program Development in the Air Quality Bureau presented the following item.

The department plans to enter into a contract with Comprehensive Emission Services (CES) for the purpose of performing particulate matter (PM) testing and particulate matter with an

aerodynamic diameter less than or equal to 10 microns (PM-10) testing of bin vents at the Heart of Iowa Coop in Nevada, IA. The contract covers testing to take place between the middle of September and the middle of October, 2003.

Grain bin vent testing is needed to determine the level of emissions under different operating scenarios at a representative country grain elevator. The test results would be used to determine the appropriate emission rate for construction permitting, to verify compliance with the state PM standard of 0.1 gr./scf., and to provide data to better characterize bin vent emissions for air dispersion modeling purposes.

Selection of the Heart of Iowa Coop for testing was made based on recommendations provided by the Agribusiness Association of Iowa. Separate testing will be performed for emissions occurring during bin filling of corn and bin filling of soybeans, with and without the use of oiling.

Funding for this contract comes from an EPA Region VII distribution of additional Clean Air Act section 105 grant funds. The agreement period will extend from September 16, 2003 through November 15, 2003. The bin vent emissions testing contract shall not exceed \$40,000.

Motion was made by Lisa Davis Cook to approve the Bin Vent Emissions Contract. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

DENIAL OF PETITION FOR RULE MAKING- AGRIBUSINESS ASSOCIATION OF IOWA, ET. AL.

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to deny the attached petition for rule making to amend 567 Iowa Administrative Code to add a new rule 28.2 and to adopt an Iowa Field Study Sampling Manual. The petition proposed to adopt rules relating to a comprehensive field study on hydrogen sulfide and ammonia concentrations in ambient air, and on odor.

On July 18, 2003, the Petitioners agreed in writing to an extension until August 31, 2003, of the deadline for DNR to act on the Petition for Rulemaking. On August 15, 2003, the Petitioners agreed in writing to a second extension though September 30, 2003.

The specific language proposed by the petitioners should not be adopted because it would unnecessarily place restrictions on the scope and length of the field study mandated in Iowa Code section 459.207. This field study has been underway since April 2002. This petition for rulemaking would hinder the DNR's ability to collect the baseline data necessary to make an informed decision regarding the need to develop plans and programs related to the control of

emissions from animal feeding operations, as specified in Iowa Code section 459.207. Specific comments that support this petition denial are included in the Denial of Petition for Rule Making.

WITHDRAWN

DENIAL OF PETITION FOR RULE MAKING- IOWA CITIZENS FOR COMMUNITY IMPROVEMENT

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to deny the attached petition for rule making to amend 567 Iowa Administrative Code sections 20.2 and 28.1 and to create the Iowa Ambient Air Sampling Manual. The petition requested that the department adopt rules that (1) set ambient air quality standards for hydrogen sulfide, ammonia, and odor known to be harmful to human health and impair the use and enjoyment of property, and (2) adopt monitor siting requirements, data handling procedures, approved monitoring methods and equipment and quality assurance requirements for ensuring compliance.

On August 14, 2003, Iowa CCI agreed in writing to an extension for 30 days of the deadline for DNR to act on the Petition for Rulemaking.

<i>Motion was made by Darrell Hanson to deny ICCI's petition for rule making. Seconded by Lori Glanzman.</i>
--

Francis Thicke suggested that he would like to hear the alternative air quality standards before making a decision on denying the petition with ICCI.

<i>Motion was made by Francis Thicke to table item 14 – Denial of ICCI's petition until after item 15 – Recommendations regarding Air Quality Standards for hydrogen sulfide and ammonia is presented. Seconded by Darrell Hanson. Motion carried unanimously.</i>
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TABLED

RECOMMENDATIONS REGARDING AIR QUALITY STANDARDS FOR HYDROGEN SULFIDE AND AMMONIA

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The specific language proposed by the petitioners should not be adopted because the petitioners have requested that the DNR initiate a rulemaking that is very similar to the rulemaking that was previously adopted by the Commission and subsequently nullified by the Iowa Legislature. The DNR does not believe that it is in the best interest of the people of Iowa to initiate another

rulemaking that will likely result in the same nullification action from the Legislature. Specific comments that support this petition denial are included in the Denial of Petition for Rule Making.

Brief Background. Senate File 2293, 2002 (Iowa Code section 459.207) states that if the baseline data from the field study demonstrates to a reasonable degree of scientific certainty that emissions of these pollutants are present at levels *commonly known to cause a material and verifiable adverse health effect*, the department may develop comprehensive plans and programs to control emissions of hydrogen sulfide, ammonia, and odor from animal feeding operations. What constitutes a level “commonly known to cause a material and verifiable adverse health effect” is not defined in the Iowa Code. The department had previously attempted through rulemaking to equate a material and verifiable health effect for hydrogen sulfide and ammonia to the levels recommended in the Iowa Concentrated Animal Feeding Operations Air Quality Study (University Study). However, rules adopted by the Commission based on the University Study recommendations were subsequently nullified by the Iowa State Legislature. One of the criticisms of the University study was that it did not receive adequate peer review and as a result the rationale used to set health standards was difficult to follow. Some legislators expressed the opinion that the resulting standards “did not pass the common sense test.”

Current Direction. Our recommendation is to establish levels for hydrogen sulfide and ammonia based on commonly known and accepted health risk data for these pollutants. These levels could then be used as comparison values to compare the baseline data currently being collected in the field study. The comparison values would not represent ambient air quality standards, only commonly known levels intended to be used as a “bar” in evaluating the field study data. (Iowa Code section 459.207 does not require that a level be specified in rule as an ambient air quality standard.)

The department has begun a process where it intends to enlist the help of independent health science experts to review the rationale and results of the University Study and provide their own opinions concerning the levels “commonly known to cause a material and verifiable adverse health effect”. The department will present the results of reviews as information items to the commission when they become available.

Prior to the nullification, the field study monitoring measured ambient concentrations at several monitoring sites well above the levels in the nullified standards. As the dialogue concerning standards continues, we believe it is prudent to begin work to determine a set of reasonably available control technologies, acceptable dispersion models and emissions estimation techniques applicable to animal feeding operations. Toward this end, the department intends to convene several technical advisory groups consisting of stakeholders and technical experts in order to develop consensus on these essential elements required to implement a regulatory program for confined animal feeding operations.

The Department intends to recommend denial of both petitions for rulemaking and seek support from the Environmental Protection Commission for reviewing the University Study recommendations and establishing technical advisory groups. We believe that this is the most expedient way to achieve reductions in the risk that these pollutants may pose to nearby residents. The department will provide updates to the Commission in the coming months

regarding the results of additional peer review of the University Study, progress of the technical advisory groups, and the pollutant levels measured during the field study.

(a letter was given to the Commissioners from the University of Iowa regarding the joint study and how there is much more information that should be considered before the final rule making is completed.)

Wayne Gieselman said the Department is proposing that in November we will come back with rules that propose a hydrogen sulfide standard of 15 ppb and the formation of the technical advisory groups that will look at dispersion modeling, emission characteristics, and best management practices.

Darrell Hanson expressed his concern that the standards are not being set for the right reasons. What does it matter where the emission is coming from if its at a hazardous level? I have a problem with the standard applying to one source and not the other.

Catharine Fitzsimmons said that the Universities stated the they have discovered and learned more about hydrogen sulfide and ammonia after the report had gone out.

Donna Buell asked if we were going to end up with ambient air standards applied to CAFOs.

Wayne Gieselman said that ambient air standards apply to anywhere off the property of the regulated area. We are not proposing ambient standards at this time. We are proposing a standard that will allow us to analyze our monitoring data and say if we have an issue based on this health risk value that we proposed. These are not ambient standards.

Heidi Vittetoe asked if she was correct in thinking that the legislature directed us to determine what these levels were at separated locations.

Wayne Gieselman said that you can't take enforcement actions anywhere except at separated locations, if it's at livestock facilities. Which is defined by the Iowa Code.

Donna Buell stated that if we do not have ambient standards there will be a lot of individuals whom are surrounded by small confinements that will not have relief. We are regulating for the public health.

Catharine Fitzsimmons said that we are proposing to establish an air quality standard over which we would say that you have exceeded the safe health level. We are calling it the health risk value. That is what we want to do for hydrogen sulfide. An ambient standard means that you are measuring for all sources and anyone who is contributing to it, we would need to make reductions. The more we look into implementing, more issues arise.

INFORMATIONAL ONLY

DENIAL OF PETITION FOR RULE MAKING- IOWA CITIZENS FOR COMMUNITY IMPROVEMENT

Motion was made by Darrell Hanson to untangle item 14 – Denial of ICCI's petition. Seconded by Jerry Peckumn. Motion carried unanimously.

UNTABLED

Wayne Gieselman recommended the denial of the petition for rule making by Iowa Citizens for Community Improvement's.

Motion was made by Darrell Hanson to deny the petition by Iowa Citizens for Community Improvements for rule making. Seconded by Lori Glanzman. The roll call vote went as follows: Jerry Peckumn – aye; Lisa Davis Cook – nay; Lori Glanzman – aye; Darrell Hanson – aye; Heidi Vittetoe – aye; Donna Buell – nay; Terry Townsend – aye; Francis Thicke – aye; Kathryn Murphy – aye. Motion carried.

APPROVED AS PRESENTED**REFERRALS TO THE ATTORNEY GENERAL**

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

A) MARK BURINGRUD, FDBA CARPENTER BAR AND GRILL [CARPENTER] – DRINKINGWATER/PENALTY.

B) JEREMY MOSTEK, FDBA MITCHELL TOWN PUMP [MITCHELL] – DRINKINGWATER/PENALTY

C) KEVIN HOHBACH [TAYLOR COUNTY] – ANIMAL FEEDING OPERATION/PENALTY.

Motion was made by Darrell Hanson to refer all three penalties to the Attorney General. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Rulemaking Status Report

Proposal	Notice to Commission	Notice Published	Arc #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	Arc #	Rules Review Committee	Rules Effective
1. Ch. 21, Ch. 22, Ch. 23 and Ch. 25 – Air Quality Program Rules – Updates, Revisions and Additions	5/19/03	6/11/03	2525B	7/08/03	7/15/03	7/16/03	8/18/03	8/18/03	*9/17/03		*10/06/03	*10/22/03
2. Ch. 22 – Air Construction Permitting Exemptions	4/21/03	5/14/03	2467B	6/09/03	6/13/03	6/13/03	7/21/03	7/21/03	9/03/03	2736B	9/10/03	*10/08/03
3. Ch. 22 – Air Construction Permitting Exemption for Small Units	8/18/03	*9/17/03		*10/06/03	*10/07/03	*10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
4. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	7/09/03	2597B	8/05/03	8/07/03	8/13/03	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	*9/17/03		*10/06/03	10/7,8,10,13-15/03	*10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
6. Ch. 60, 62, 63 – Wastewater Pretreatment Standards							9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
6. Ch. 61 – Water Quality Standards	8/18/03	*9/17/03		*10/06/03	10/7,9,10,13,15,17/03	*10/31/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04

7. Ch. 64, 69 - Renewal of General Permit	5/19/03	6/11/03	2526B	7/08/03	7/01-10/03	7/11/03	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03
8. Ch. 65 - Animal Feeding Operations-Construction Standards	7/21/03	8/20/03	2716B	9/10/03	9/11/03	9/11/03	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03
9. Ch. 90, 91, 02 and 93 - Water Pollution Control - Updates, Revisions and Additions	6/16/03	7/09/03	2595B	8/13/03	7/30, 31/03 8/04/03	8/04/03	9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
11. Ch. 111 - Financial Assurance Requirements for SWLFs	9/15/03	*10/15/03		*11/04/03	*11/05/03	*11/05/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/03
12. Ch. 117 - Waste Tire Management	7/21/03	8/20/03	2717B	9/10/03	9/10/03	9/10/02	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03

Monthly Variance Report
August, 2003

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Ag Processing Inc.-Sergeant Bluff	Air Quality		Permit Requirements	Approved	08/08/03
2	Ag Processing-Manning	Wastewater Construction	Kuehl & Payer, Ltd.	Reliability	Approved	08/05/03
3	East Fork of the Grand River Watershed Sites A-49, B-51, B-54-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	08/05/03
4	RMT, Inc.-Sheldon	Wastewater Operation		Monitoring Frequency	Approved	08/05/03
5	Interstate Power and Light-Lansing Power Station Landfill-Allamakee County	Solid Waste	BT2, Inc.	Fencing Requirements	Approved	08/22/03
6	Louisa County Sanitary Landfill (CLOSED)	Solid Waste	Barker Lemar Engineering Consultants	Groundwater Monitoring	Approved	08/08/03

7	North Dallas Sanitary Landfill-Boone County	Solid Waste	Barker Lemar Engineering Consultants	Groundwater Monitoring	Approved	08/18/03
8	Luxemburg, City of	Watersupply Construction	IIW Engineers and Surveyors	Design Basis	Approved	08/21/03

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period August 1, 2003, through August 31, 2003, 75 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Substance		Mode								
Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	39 (62)	1 (4)	29 (44)	9 (14)	11 (20)	18 (37)	1 (1)	6 (2)	0 (1)	3 (1)
March	38 (93)	5 (8)	22 (68)	11 (17)	8 (27)	24 (57)	1 (1)	2 (1)	0 (3)	3 (4)
April	78 (155)	29 (47)	34 (83)	15 (24)	23 (44)	44 (99)	1 (2)	1 (1)	2 (5)	7 (4)
May	79 (112)	25 (29)	43 (73)	11 (10)	29 (22)	40 (81)	1 (0)	1 (2)	1 (0)	7 (7)
June	74 (117)	13 (20)	48 (79)	13 (18)	34 (31)	28 (70)	0 (6)	2 (0)	2 (1)	8 (9)
July	64 (101)	10 (6)	38 (71)	16 (24)	11 (21)	43 (73)	3 (3)	1 (1)	0 (0)	6 (3)
August	75 (72)	15 (6)	41 (52)	19 (14)	19 (18)	42 (49)	4 (1)	1 (1)	0 (1)	9 (2)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	639 (995)	123 (143)	368 (673)	148 (178)	195 (282)	355 (616)	14 (20)	20 (12)	6 (15)	49 (50)

(numbers in parentheses for same period last year)
Other includes dumping, theft, vandalism and

Total Number of Incidents Per Field Office This month.*

1	2	3	4	5	6
14	14	7	4	19	17

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period August 1, 2003, through August 31, 2003, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

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Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	1 (3)	0 (0)	1 (1)	0 (1)	0 (1)	1 (2)	0 (1)	0 (0)	0 (0)	0 (1)
April	3 (6)	0 (0)	2 (4)	0 (1)	0 (1)	1 (6)	1 (0)	0 (0)	0 (0)	0 (3)
May	7 (6)	0 (0)	5 (3)	1 (3)	1 (0)	7 (2)	0 (4)	0 (0)	0 (0)	1 (3)
June	4 (0)	0 (0)	3 (0)	0 (0)	1 (0)	3 (0)	0 (0)	1 (0)	0 (0)	1 (0)
July	3 (4)	0 (1)	2 (2)	0 (1)	1 (0)	3 (2)	0 (2)	0 (0)	0 (0)	0 (2)
August	2 (2)	0 (0)	2 (2)	0 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)	0 (1)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	51 (38)	0 (2)	28 (19)	5 (10)	0 (0)	44 (28)	2 (8)	2 (2)	0 (0)	5 (14)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This month.

1	2	3	4	5	6
0	1	0	0	0	1

DATE: September 1, 2003

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Interstate Grain, Inc. Mason City (2)	Air Quality	Construction Without Permit	Consent Amendment	7/31/03
Joel (Brad) Chambers Strawberry Point (1)	Wastewater Drinking Water	Certified Operator Discipline; License Discipline	Notice of Intent to Revoke Certification \$1,000	8/04/03
Strawberry Point, City of (1)	Wastewater	Certified Operator; Compliance Schedule; Monitoring/Reporting; Operational Violations	Order/Penalty \$10,000	8/04/03
Sigourney Foods, Sigourney (6)	Wastewater	Prohibited Discharge; Operational Violations	Order/Penalty \$10,000	8/04/03
Whiting, City of (4)	Wastewater	Compliance Schedule	Order	8/04/03
Westside, City of (4)	Wastewater	Compliance Schedule; Operational Violations	Order	8/04/03
Manning, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	8/04/03
Country Living Mobile Home Park, Altoona (5)	Wastewater	Compliance Schedule; Operational Violations	Order/Penalty \$5,000	8/04/03
The Welco Group; David Levin; Kwik Trip Camanche (6)	Underground Tank	UST Closure	Order/Penalty \$3,500	8/04/03
Edward Rasch; Easter Enterprises, Inc. Norwalk (5)	Underground Tank	Site Assessment	Order/Penalty \$3,000	8/04/03

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Kochie's Steakhouse, West Union (1)	Drinking Water	MCL-Bacteria; Public Notice	Order	8/01/03
Kent Kiburz, Humboldt Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$2,500	8/04/03
Southeast Iowa Multi-County Solid Waste Agency, Clinton Co. (6)	Solid Waste	Cover Violations; Other Violations	Order/Penalty \$4,000	8/05/03
Central Counties Cooperative Kellogg (5)	Air Quality	Fugitive Dust; Other Violations	Order/Penalty \$5,000	8/13/03
Gary Muller Griswold (4)	Animal Feeding Operation	Failure to Submit Plan; Prohibited Discharge – Confinement	Consent Amendment \$200	8/13/03
Swine Graphics Enterprises, L.P.; MoCo Pork; Deer Run Farm, Monroe Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$5,000	8/15/03
David Harper; Harper's Marina; Jolly Roger Campground, North Liberty (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Referred to AG	8/18/03
Dayton, City of (2)	Wastewater	Discharge Limits	Amended AO	8/20/03
Lewis Hartgers Jasper Co. (5)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Stormwater – Operation Without Permit	Order/Penalty \$3,000	8/20/03
Griffin Pipe Products Co. Council Bluffs (4)	Air Quality	Emission Standards – Other	Consent Order \$10,000	8/20/03
Custom Feeds, Inc. Muscatine (6)	Air Quality	Permit/Rule Conditions; Open Burning; Asbestos	Order/Penalty \$10,000	8/21/03
Well's Dairy, Inc. LeMars (3)	Wastewater	Pretreatment	Consent Amendment	8/27/03
Tyson Fresh Meats, Inc. Storm Lake (3)	Wastewater	Prohibited Discharge	Consent Order \$2,000 SEP	8/27/03
Heartland Pork Enterprises Inc., d/b/a Quality Ag Builders Alden (2)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$500	8/27/03
D & S Swine, L.L.C. Humboldt Co. (2)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$1,000	8/27/03
Holstein Dairy, L.L.P. Ida Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	8/27/03
K L & L Palo Alto Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	8/27/03

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: September 1, 2003
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01

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Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	1-06-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Lidderdale, City of	WS	500	3-04-03
Cargill, Inc. (Cedar Rapids) SEP	AQ	1,000	3-11-03
Nevada, City of SEP	WW	3,000	3-14-03
* Allison, City of	AQ	1,000	6-01-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03
John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Larry Pogue; Independence MHP (Independence)	WS	2,000	6-30-03
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
* Rocky Knoll Mobile Home Park (Forest City)	WS	2,000	7-01-03
# James Boller (Kalona)	AFO	5,000	7-11-03
# Percy Zylstra (Osceola Co.)	AFO	2,000	7-12-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
* Paul L. Nagle (Clear Lake)	AQ	100	7-15-03
# New Horizons Pork, LLP (Fayette Co.)	AFO	500	8-01-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
Johnny B Good's (Dyersville)	WS	500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
# Luke and Charlie Kollasch (Palo Alto Co.)	AFO	750	8-18-03

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Foods, Inc.; Dahls Foods (Dallas Co.)	WW	1,000	8-25-03
Midway Water & Lighting Co. (Marion)	WS	1,000	8-26-03
# Brett Bachman (Sac Co.)	AFO	750	8-30-03
*#Daniel E. Wilson (Prairie City)	AFO	500	9-01-03
*#Robert Fisher (Hamilton Co.)	AFO	500	9-01-03
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	1,500	9-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,000	9-01-02
Osceola Foods, Inc. (Osceola)	WW	5,000	9-19-03
Ames Trenching & Excavating, Inc. (Ames)	AQ	3,600	9-23-03
# Tom Schramm (Sac Co.)	AFO	500	9-24-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
# Roger Lamfers (Lyon Co.)	AFO	750	9-26-03
Dayton, City of SEP	WW	5,000	10-01-03
Strawberry Point, City of	WW	10,000	10-07-03
Sigourney Foods (Sigourney)	WW	10,000	10-06-03
Central Counties Cooperative (Kellogg)	AQ	5,000	10-17-03
# Swine Graphics; MoCo Pork-Deer Run Farm (Monroe Co.)	AFO	5,000	10-19-03
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,500	11-15-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000	-----
Kent Kiburz (Humboldt Co.)	SW	2,500	-----
Griffin Pipe Products Co. (Council Bluffs)	AQ	10,000	-----
Custom Feeds, Inc. (Muscatine)	AQ	10,000	-----
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	-----
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	2,000	-----
Heartland Pork Enterprises, Inc.; Quality Ag Builders	WW	500	-----
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000	-----
# Holstein Dairy, LLP (Ida Co.)	AFO	750	-----
# K L & L; Charles Kollasch; Luke Kollasch (Palo Alto Co.)	AFO	750	-----
TOTAL		385,088	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01

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Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
TOTAL		220,889	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffrey Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000

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Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Tim Schrock; Devon Schrock (Washington Co.)	AFO	4,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000

# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	3,400
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Ankeny, City of	WS	1,000
Ankeny, City of	WW	10,000
Muscatine Used Parts, Inc. (Muscatine)	SW/WW	10,000
Ron Fisher Furniture (Marshalltown)	AQ	3,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Richard Bockenstedt (Delaware Co.)	AFO	2,000
Larry Nuehring (Rockwell)	AQ/SW	500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Stone-Path IV LLC (Carroll Co.)	AFO	750
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Rittmer, Inc. (Clinton Co.)	AQ/SW	10,000
Clinton Co. Area Solid Waste Agency (Clinton Co.)	SW	2,000
Joel (Brad) Chambers (Strawberry Point)	WW/WS	1,000
# Smokey Farms Finishing (Carroll Co.)	AFO	750
# Mahogany Partnership (Carroll Co.)	AFO	750
# Black Walnut & English Walnut (Carroll Co.)	AFO	750
Southeast Iowa Multi-County SWA (Keokuk Co.)	SW	4,000
Cedar Rapids, City of	WW	1,000
Bruty Lumber, Inc. (Washington)	AQ/SW	4,000
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	3,500
Country Living MHP (Altoona)	WW	5,000
TOTAL		522,210

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	250
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	500
*#Roger Bockes, et. al. (Tama Co.)	AFO	300
Tom Vittetoe (Washington)	AQ	1,000
*#Robert Fisher (Hamilton Co.)	AFO	100
Asbestos Removers, Inc. (Ashton)	AQ	3,100
Leroy Havel (Washington Co.)	SW	1,300
M.E.D.A. (Anamosa)	AQ	2,000
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000
Walter's Investments, Inc.; David Walters (Warren Co.)	WW	8,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
#*Daniel E. Wilson (Prairie City)	AFO	500
# Gary Muller (Griswold)	AFO	200
TOTAL		20,850

The following SEP payments were received this month:

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Iowa City Ready Mix, Inc. (Iowa City) to Johnson CCB	WW	1,000
Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids) to Linn CCB	WW	4,000
Audubon, City of, to Audubon CCB	WW	5,000

The following penalties were withdrawn:

* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
10 th Hole Food & Spirits (Calamus)	WS	1,000
Cass County; Cass County Engineer	AQ	5,000

Attorney General's Referrals

Name, Location and Field Office	Program	Alleged Violation	Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6) UPDATED	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Ruling for Defendants Motion to Enlarge Ruling Denying Motion to Enlarge	3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03 6/17/03 6/27/03 8/26/03
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred Order Granting Judgment (\$1000/Admin.)	10/21/02 5/27/03
Bauer, Michael Davenport UPDATED	(6) Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5) UPDATED	Underground Tank	Record Keeping	Order/Penalty	Referred Admin. Penalty (\$2,540) Paid	3/17/03 7/03/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Without Permit Operation	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. UPDATED	(6) Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 9/15/03

Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03
Harper, David Harper's Marina; Jolly Roger Campground North Liberty (6) NEW	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty	Referred	8/18/03
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/02 2/03/03 1/27/04
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Action Suspended	5/21/01 7/01/03
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Motion for Judgment Order Granting Judgment (\$3,200/Admin.)	9/16/02 2/14/03 3/17/03
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U	Drinking Water	Operation Without Permit;	Order/Penalty	Referred	5/19/03

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Monitoring/Reporting – Bacteria, Nitrate

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Contested Case

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	7/31/03 – Letter to company attorney regarding settlement of appeal. 8/15/03 – Letter from company attorney. 8/21/03 – Dept. response to attorney.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	6/10/03 – Demand to proceed with completion of terms of settlement. Required to comply by 7/31/03 or mater will be set for hearing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal. 7/29/03 – Draft remedial permit faxed to attorney for approval.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	8/21/03 – Settled. Awaiting SEP payment.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	7/17/03 – Ven's letter agreeing to consider Dept. settlement offer and respond during August.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$1000 paid to date.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction completed. Proof of costs submitted. Awaiting full closure of lagoons.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	5/28/03 – Letter to Kronlage urging him to contact his attorney regarding

						settlement possibilities. 7/10/03 – Dept. counteroffer to Kronlage's settlement offer; awaiting attorney's response.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	8/03 – Permit issued; appeal to be dismissed.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; amended AO will settle appeal.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	8/5/03 – Phone discussion regarding settlement. Burco to respond to Dept. counter offer.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/30/03 – FO5 inspection. Facility connected to city WW system. 8/1/03 – Dept. letter regarding settlement of penalty.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 7/23/03 – FO5 confirmed new company began operating plant. Dept. to issue order canceling penalty.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Settled. Site issued no further action and settled penalty. Awaiting penalty payment.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
2/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	7/17/03 – Settled. Monthly installments to commence 8/1/03.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	4/10/03 – Erosion controls specified; monitoring for compliance. 9/1/03 – FO to inspect for compliance.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	7/1/03 – Order rescinded. Case closed.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	8/28/03 – Sent to DIA.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.

1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 – Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02. Reminder letter sent 5/30/03.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	8/03 – Consent order signed. \$5,000 SEP to be paid to Plymouth County Pheasants Forever in lieu of penalty. Appeal resolved.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	Hearing held 6/10/03. ALJ decision 7/3/03. Appeal to EPC 8/1/03.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance initiated.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Attorney left client. Start negotiating process over with Carlson.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Hearing set for 9/22/03.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be

						conducted over the next 9 months.
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Tiered assessment required. Settlement offer conditioned on completion of tiered assessment. Tier 2 received 5/8/03. Low risk. Penalty offer 9/2/03.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Partial settlement proposed. Hearing postponed indefinitely. Tier 2 submitted 3/3/03; no action required except free product reports. 8/5/03 – Settlement offer.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 8/03 –Letter to City attorney regarding resolving appeal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	6/03 – Monitoring compliance.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	8/29/03 – Attempted phone conversation regarding settlement. No answer.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Compliance initiated. Final offer made 8/18/03.
10/24/02	Harold L. Foster; Carolyn Foster; Glogin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glogin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	8/28/03 – Settlement offer.
11/12/02	Audubon, City of	4	Order/Restitution Claim	WW	Murphy	Settled. 8/15/03 - SEP payment made. Case closed.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/HC	Wornson	Tier 1 completed. Negotiating penalty.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	Order/Penalty	AFO	Murphy	7/2/03 – ALJ decision. 7/25/03 – DNR appeal. 7/31/03 – Iowa Select appeals. To be considered 10/20/03.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	8/29/03 – Settlement offer.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	4/17/03 – Staff met with City. Monitoring compliance. 9/1/03 – FO to inspect.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	Order/Penalty	WW	Murphy	Hearing set for 9/13/03.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	Order/Penalty	UT	Wornson	Compliance completed except for penalty. Penalty settlement proposed.

1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
1/29/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	7/18/03 – Informal meeting held. City sent settlement offer. Offer being reviewed by Dept. staff. 8/29/03 – Dept. letter sent accepting City's offer regarding penalty.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	Negotiating before filing.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/06/03	Interstate Grain, Inc.	2	Order/Penalty	AQ	Book	8/03 – Penalty paid. Consent amendment signed. Case closed.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/11/03	Cass County; Cass County Engineer	4	Order/Penalty	AQ	Book	Hearing held 7/18/03. ALJ ruled against the Dept. Case closed.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	3/03 – Appeal reviewed by WW permits section.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/06/03	Fran-Gard Properties, Inc.; Frank Gardner	1	Order/Penalty	WW	Murphy	8/22/03 – SEP payment received. Case closed.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	Order/Penalty	AFO	Clark	Negotiating before filing.
3/26/03	Dan Wilson	5	Order/Penalty	AFO	Clark	6/02/03 – Settled. Monthly installments to commence 7/01/03.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/09/03	Gary Muller	4	Order/Penalty	AFO	Book	Consent amendment signed. 8/26/03 – Penalty received. Case closed.
4/14/03	Tim Schrock; Devon Schrock	6	Order/Penalty	AFO	Book	Settled. Consent amendment being issued.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/07/03	Frederika's Stein & Dine	1	Order/Penalty	WS	Hansen	Hearing set for 9/30/03.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03.
5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	Order/Penalty	AFO	Murphy	Working on stipulation to be filed with ALJ.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	9/1/03 – As-builts under review.
5/27/03	Rural Iowa Waste Mgmt. Assoc.	2	Order/Penalty	SW	Tack	Settlement offer sent 7/9/03.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.
5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	Informal settlement meeting.
6/20/03	Muscatine Used Parts, Inc.	6	Order/Penalty	WW/SW	Tack	Compliance achieved. Penalty settled for \$1,750. Awaiting penalty payment.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	8/29/03 – Dept. letter sent with counter offer regarding penalty.
6/23/03	Ankeny, City of	5	Order/Penalty	WS	Hansen	8/29/03 – Dept. letter to City accepting settlement offer regarding penalty.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
7/07/03	Ron Fisher Furniture	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/16/03	Richard Bockenstedt	1	Order/Penalty	AFO	Murphy	7/23/03 – Settlement offer.
7/17/03	Larry Nuehring	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	Negotiating before filing.
7/25/03	Bruty Lumber, Inc.	6	Order/Penalty	AQ/SW	Book	Meeting scheduled for October.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	Hearing set for 10/1/03.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.

8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	New case.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	New case.
8/13/03	Stone Path IV, LLC	4	Order/Penalty	AFO	Clark	New case.
8/15/03	Smokey Farms Finishing	4	Order/Penalty	AFO	Clark	New case.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	New case.
8/19/03	Black Walnut, Inc.; English Walnut, Inc.	4	Order/Penalty	AFO	Clark	New case.
8/19/03	SEMCO	6	Order/Penalty	SW	Tack	New case.
8/19/03	Harlan, City of	4	Order	WW	Hansen	New case.
8/19/03	Mahogany Partnership	4	Order/Penalty	AFO	Clark	New case.
8/21/03	Joel (Brad) Chambers	1	Order/Penalty	WS/WW	Murphy	New case.
8/22/03	Clinton Co. Area SWA	6	Order/Penalty	SW	Tack	New case.
8/22/03	Rittmer, Inc.	6	Order/Penalty	AQ/SW	Tack	New case.
8/28/03	Whiting, City of	4	Order	WW	Hansen	New case. 8/29/03 – Amended AO to be issued to resolve appeal.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	New case.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	Order/Penalty	UT	Wornson	New case.

REPORT OF WW – BY PASSES

During the period August 1, 2003 through August 31, 2003, 2 reports of wastewater by-passes were received.

A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '02	5(9)	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	1	1

INFORMATIONAL ONLY

GENERAL DISCUSSION

Linda Kinman said that the Regional Water Quality Work Group Meetings are scheduled throughout the month of October. The dates and locations can be found on the DNR website at www.iowadnr.com

Jeremy Klatt, Nutrient Specialist gave an informational presentation on manure application to soybean. Producers who are required to complete a manure management plan (MMP) in Iowa currently have the option of applying manure to land where soybean will be the subsequent crop. From a manure allocation standpoint this is beneficial to the producer because it allows annual application of manure to a corn-soybean rotation, which reduces the land base needed for manure application. The maximum allowable application rate to soybean in a MMP is determined by the amount of nitrogen (N) that is expected to be removed from the field with harvest. According to Iowa State University Extension, the removal rate of soybean is 3.8 lbs N/bu (Killorn and Lorimor, 1999). Therefore a soybean crop with a yield goal of 45 bu/acre can receive manure at a rate that applies 171 lbs N/acre. Manure application to soybean is currently an option in a an MMP because research indicates that soybean will use available soil N is lieu of producing it through N fixation (Sawyer, 2002). Moreover, when current MMP requirements were developed, the emphasis was on N management; managing the phosphorus (P) in the manure was addressed as a recommended practice. The following sections provide a summary of current agronomic and environmental research concerning manure application in soybean production and also considers the effect that P index implementation may have on this practice.

(a full copy of the report on Manure Application to Soybean – Agronomic and environmental considerations is available in the Department's Record Center)

Wayne Gieselmann said that we will present the phosphorus rules as an informational item next month.

NEXT MEETING DATES

October 20, 2003 – Des Moines Water Works

8:00 – 10:00 Tour – If anyone from the general public plans to attend, please contact Linda Kinman at 515-283-8706.

10:30 EPC Meeting Begins

November 17, 2003

December 15, 2003

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 3:00 p.m., Monday, September 15, 2003.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Lisa Davis Cook, Secretary

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